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11 United States of America
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16 IN THE UNITED STATES DISTRICT COURT
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18 EASTERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,
20
21 Plaintiff,
22
23 v.
24 ERIK D. MENDOZA-CONTRERAS,
25
26 Defendant.

27 CASE NO. 1:22-CR-00074-JLT-SKO
28
29 STIPULATION SETTING CHANGE OF PLEA
30 HEARING; FINDINGS AND ORDER
31
32 DATE: December 11, 2023
33 TIME: 1:00 p.m.
34 COURT: Hon. Jennifer L. Thurston

35
36 STIPULATION

37 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
38 through their counsel, hereby stipulate as follows:

39 1. By previous order, this matter was set for a change of plea on December 11, 2023.
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41 2. By this stipulation, defendant now moves to continue the change of plea to January 8,
42 2024, and to exclude time between December 11, 2023, and January 8, 2024, under 18 U.S.C.
43 §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
44
45 3. The parties agree and stipulate, and request that the Court find the following:
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47 a) The government has represented that the discovery associated with this case
48 includes investigative reports and related documents in electronic form, videos, photographs, and
49 digital evidence. The government provided initial discovery and supplemental discovery. On
50 September 26, 2022, the government produced a second batch of supplemental discovery.
51
52 b) Counsel for defendant desires additional time to review discovery, consult with

1 his client, prepare for a change of plea hearing, and otherwise prepare for sentencing.

2 c) Counsel for defendant believes that failure to grant the above-requested
3 continuance would deny him the reasonable time necessary for effective preparation, taking into
4 account the exercise of due diligence.

5 d) The government does not object to the continuance.

6 e) Based on the above-stated findings, the ends of justice served by continuing the
7 case as requested outweigh the interest of the public and the defendants in a trial within the
8 original date prescribed by the Speedy Trial Act.

9 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
10 et seq., within which trial must commence, the time period of December 11, 2023 to January 8,
11 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv)
12 because it results from a continuance granted by the Court at defendant's request on the basis of
13 the Court's finding that the ends of justice served by taking such action outweigh the best interest
14 of the public and the defendants in a speedy trial.

15 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
16 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
17 must commence.

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20 IT IS SO STIPULATED.

21
22 Dated: December 6, 2023

PHILLIP A. TALBERT
United States Attorney

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25 /s/ *Antonio J. Pataca*
ANTONIO J. PATACA
26 Assistant United States Attorney
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1 Dated: December 6, 2023

/s/ Nicholas Reyes

2 NICHOLAS REYES

3 Counsel for Defendant

4 Erik D. Mendoza-Contreras

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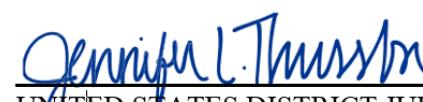
6 **FINDINGS AND ORDER**

7 IT IS SO FOUND.

8

9 IT IS SO ORDERED.

10 Dated: December 7, 2023


11 UNITED STATES DISTRICT JUDGE